

EXTENSION OF PERIOD FOR INSPECTION OF VESSEL COMMUNICATIONS EQUIPMENT

APRIL 20, 1961.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Commerce, submitted the
following

R E P O R T

[To accompany S. 1288]

The Committee on Commerce, to whom was referred the bill (S. 1288) to amend section 362(b) of the Communications Act of 1934, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

Section 362(b) of the Communications Act of 1934, as amended (title III, pt. II), requires that every U.S.-flag vessel subject to its provisions must have its prescribed communications equipment and apparatus (i.e., radio installation, radiotelegraph, etc.) inspected at least once each year by the Commission. This bill would take cognizance of the possibility of undue delay and inconvenience to a vessel arriving from abroad at a U.S. port more than 12 months after its last annual inspection, by adding the following language to section 362(b):

The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held: *Provided*, That such waiver may not exceed a period of thirty days.

Enactment of the bill would provide needed flexibility in the vessel inspection requirements to take care of situations such as have occurred where vessel operators have suffered costly delays due to the

late hour of arrival at the port, or to unavailability of inspection personnel for one reason or another, or to a tight vessel schedule requiring prompt departure for another port.

The language of the bill is in accord with the suggestion of the Federal Communications Commission, as expressed to this committee during the 86th Congress when a bill of similar intent (S. 3496) was under consideration. In its comments on S. 1288, as submitted to your committee, the Communications Commission favors enactment of the bill, but makes it clear that it would expect the waiver provision to be exercised only—

* * * in those instances where it is impracticable to make the required inspection because of unavailability of inspection personnel, where the distance from the Commission's office to the vessel would not permit the completion of an inspection, including traveltime, during office hours, or where the duration of the vessel's stay in port is too short to permit inspection.

The Convention for the Safety of Life at Sea, as the Commission points out in its comments, is somewhat less rigid in its requirements for inspection of radio equipment installed in accordance with that convention.

The report of the Secretary of Commerce on the bill states that—

from a commercial viewpoint, it would appear desirable to authorize the Federal Communications Commission in appropriate cases to permit the shipowner this additional period to have his vessel inspected at an economically and operationally convenient port.

The American Merchant Marine Institute, Inc., at whose instance the original bill to provide an extension of time for vessel radio inspection was introduced, cites in its letter urging enactment of S. 1288:

The ship radio station must be inspected at the first port of call rather than at a port selected by the shipowner for reasons of economic and operational convenience. For the foregoing reason, this proposed amendment is considered a matter of some import to the ocean steamship industry.

RCA Communications, Inc., a licensee of radio stations aboard several hundred vessels of the United States which are subject to the requirements of section 362(b) of the Communications Act, endorsing the bill states:

It has been our experience that the proposed amendment would materially benefit and assist both the Federal Communications Commission and ship operators by permitting the needed flexibility in arranging for annual inspection.

There is no recorded opposition to the bill.

Comments of the Federal Communications Commission, the Secretary of Commerce, the Department of State, and the Comptroller General of the United States are appended, together with letters from the American Merchant Marine Institute, Inc., and the RCA Communications, Inc., favoring enactment.

There is no change in existing law.

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION ON S. 1288 AND H.R. 4743, 87TH CONGRESS, 1ST SESSION, IDENTICAL BILLS TO AMEND SECTION 362(b) OF THE COMMUNICATIONS ACT OF 1934

S. 1288 and H.R. 4743 would amend title III, part II of the Communications Act of 1934, as amended, by adding to section 362(b) the following:

"The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held: *Provided*, That such waiver may not exceed a period of thirty days."

Equipment and apparatus required to be installed by title III, part II, of the act is required by section 362(b) to be inspected at least once every 12 months. S. 1288 and H.R. 4743 would authorize the maximum permissible time lapse between inspections to be more than 12 months.

The Commission supports the introduction of an element of flexibility into the provisions of section 362(b). In the past, there have been instances of difficulty arising because of the inflexibility of section 362(b) and the lack of inspection facilities in certain ports. The parallel requirements of the Convention for the Safety of Life at Sea permit some inspectional leeway to administrations in connection with radio equipment to be installed by the convention. The Commission contemplates that the waiver provision would generally be exercised only in those instances where it is impracticable to make the required inspection because of unavailability of inspection personnel, where the distance from the Commission's office to the vessel would not permit the completion of an inspection, including traveltime, during office hours, or where the duration of the vessel's stay in port is too short to permit inspection.

The language of S. 1288 and H.R. 4743 is as was suggested by the Commission in our comments on S. 3496, 86th Congress, 2d session.

The Commission favors enactment of this legislation.

Adopted March 29, 1961.

THE SECRETARY OF COMMERCE,
Washington, D.C., April 12, 1961.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in reply to your request of March 13, 1961, for the views of this Department with respect to S. 1288, a bill to amend section 362(b) of the Communications Act of 1934.

Section 362(b) of the Communications Act of 1934, as amended (47 U.S.C. 360), requires ships of the United States subject to the act to have their radio equipment and apparatus inspected at least once a year by the Federal Communications Commission. S. 1288 would additionally provide that "The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection

tion required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held: *Provided*, That such waiver may not exceed a period of thirty days."

From a commercial viewpoint, it would appear desirable to authorize the Federal Communications Commission in appropriate cases to permit the shipowner this additional period to have his vessel inspected at an economically and operationally convenient port. Under the existing statutory provisions, there is no flexibility beyond the expiration of a 12-month period. Since, however, the purpose of this inspection statute is safety and the Department of Commerce has no special information as to the technical and administrative problems that may be involved, we defer to the views of the Federal Communications Commission with regard to the subject bill.

The Bureau of the Budget advised there would be no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

LUTHER H. HODGES.

DEPARTMENT OF STATE,
Washington, April 12, 1961.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, U.S.
Senate.

DEAR MR. CHAIRMAN: I refer to your letter dated March 13, 1961, which enclosed a copy of S. 1288 for comment by the Department.

The Department has no objection to the proposed bill.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to submission of this report.

Sincerely yours,

BROOKS HAYS,
Assistant Secretary
(For the Secretary of State).

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 27, 1961.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, U.S.
Senate.

DEAR MR. CHAIRMAN: By letter dated March 13, 1961, acknowledged March 15, you requested our comments on S. 1288.

This measure, if enacted, would amend subsection 362(b) of the Communications Act of 1934 so as to provide for extending the period of annual inspection required by that subsection under given circumstances.

We have no special information as to the need for such a measure and therefore have no comments to make concerning the enactment of S. 1288.

Sincerely yours,

JOSEPH CAMPBELL.

AMERICAN MERCHANT MARINE INSTITUTE, INC.,
Washington, D.C., March 17, 1961.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Interstate and Foreign Commerce Committee,
U.S. Senate, Washington, D.C.*

DEAR SENATOR MAGNUSON: Reference is made to bill S. 1288 which would amend section 362(b) of the Communications Act of 1934. The purpose of this bill is to authorize the Federal Communications Commission to extend the date for the annual inspection of ship station radio equipment and apparatus for a period not to exceed 30 days upon a finding that the public interest would be served thereby. This bill is identical with the bill S. 3496 which passed the Senate on June 18, 1960.

Under the present wording of the first sentence of section 362(b) of the Communications Act of 1934, as amended, "Every ship of the United States, subject to this part, shall have the equipment and apparatus prescribed therein, inspected *at least once each year* by the Commission" [*italic supplied*], there is no flexibility beyond the expiration of a 12-month period. In certain cases this creates a hardship on commercial vessels returning to the United States from extended foreign voyages. The ship radio station must be inspected *at the first port of call* rather than at a port selected by the shipowner for reasons of economic and operational convenience. For the foregoing reason, this proposed amendment is considered a matter of some import to the ocean steamship industry. The amendment would provide the flexibility which is considered necessary and desirable.

Your records will show that the proposed amendment is noncontroversial and it is hoped that this desirable amendment of the Communications Act will receive early attention by your committee and the Congress.

Sincerely yours,

ALVIN SHAPIRO.

RCA COMMUNICATIONS, INC.,
New York, N.Y., March 28, 1961.

HON. WARREN G. MAGNUSON,
*Chairman, Commerce Committee,
U.S. Senate, Washington, D.C.*

DEAR SENATOR MAGNUSON: Reference is made to the bill, S. 1288, which you introduced March 10, 1961, to amend section 362(b) of the Communications Act of 1934, as amended. The bill would permit the Federal Communications Commission in certain situations to waive the annual inspection required under the statutory provision for a period not to exceed 30 days.

RCA Communications, Inc., is a licensee of radio stations aboard several hundred vessels of the United States which are subject to the requirements of section 362(b) of the Communications Act. It has been our experience that the proposed amendment would materially benefit and assist both the Federal Communications Commission and ship operators by permitting the needed flexibility in arranging for annual inspections.

We therefore endorse the bill and recommend its approval.

Yours sincerely,

HOWARD R. HAWKINS.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

47 U.S.C.A.

§ 360. Station licenses; inspection of equipment by Commission

(a) * * *

(b) Every ship of the United States, subject to sections 351-362 of this title, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. If, after such inspection, the Commission is satisfied that all relevant provisions of this chapter and the station license have been complied with, that fact shall be certified to on the station license by the Commission. The Commission shall make such additional inspections at frequent intervals as may be necessary to insure compliance with the requirements of this chapter.

The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held: Provided, That such waiver may not exceed a period of thirty days.

